

AMENDED IN ASSEMBLY SEPTEMBER 2, 2005

AMENDED IN ASSEMBLY AUGUST 25, 2005

AMENDED IN ASSEMBLY JUNE 30, 2005

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE APRIL 20, 2005

AMENDED IN SENATE APRIL 6, 2005

SENATE BILL**No. 661**

Introduced by Senator Migden
(Coauthor: Assembly Member Bass)

February 22, 2005

An act to add Section 89241 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 661, as amended, Migden. Public postsecondary education: California State University: California Student Athlete Fair Opportunity Act of 2005.

Existing law establishes the public postsecondary education system in California. Among the segments of public postsecondary education in the state is the California State University, which is administered by the Trustees of the California State University.

This bill would require the trustees to ensure that all California State University campuses that provide athletic scholarships for student athletes also provide summer athletic scholarships commencing during the 2006 summer term.

The bill would require that the summer athletic scholarships provided under the bill be sufficient to cover the cost of tuition, fees,

books, and supplies as calculated for purposes of the summer cost of attendance.

The bill would require the trustees to ensure that all California State University campuses that are members of the National Collegiate Athletic Association have a comprehensive plan for the academic support of student athletes. *The bill would require that a student athlete may only receive summer financial aid assistance under the bill if that student athlete otherwise qualifies for that assistance irrespective of his or her status as a student athlete.*

The bill would require the trustees to report to the Legislature and the Governor on or before November 1, 2006, and subsequently on or before November 1 of each odd-numbered year, commencing on November 1, 2007, with prescribed data regarding the status of athletic academic progress and athletic academic support in the California State University system for all campuses that are members of the National Collegiate Athletic Association.

The bill would prohibit the university from encumbering, for the purposes of the bill, any moneys from the state General Fund or any state university fee revenue.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The graduation rates and academic progress rates of
- 4 student athletes are lower than those of the general student body
- 5 at several California State University campuses and among
- 6 specific athletic teams at California State University campuses.
- 7 (b) Student athletes at the California State University face
- 8 significant challenges in their attempt to be successful in their
- 9 academic pursuits while meeting the demands of their sports
- 10 obligations.
- 11 (c) The California State University exercises its statutory
- 12 discretion related to admissions policies to admit and enroll some
- 13 students who are otherwise ineligible, solely because these
- 14 students have athletic ability that will contribute to the sports
- 15 enterprise of the campus.

(d) Summer academic support is a valuable tool in helping student athletes reach their academic goals.

SEC. 2. Section 89241 is added to the Education Code, to read:

89241. (a) This section shall be known and may be cited as the California Student Athlete Fair Opportunity Act of 2005.

(b) It is the intent of the Legislature to ensure that the Trustees of the California State University provide appropriate academic support services for student athletes and that those athletes are given a fair opportunity to earn a baccalaureate degree.

(c) The trustees shall ensure, through executive order or regulation, that all California State University campuses that provide athletic scholarships for student athletes also provide summer athletic scholarships commencing with the 2006 summer term. The provision of these summer athletic scholarships shall be consistent with both of the following:

(1) The requirements of Title IX of the federal Education Amendments of 1972, as amended from time to time.

(2) The bylaws of the National Collegiate Athletic Association, as amended from time to time.

(d) Students who are otherwise ineligible for admission to the specific campus of the California State University, but who are admitted under policies that permit those students to be admitted if they have athletic ability that will contribute to the campus, shall be given first priority for summer athletic scholarship assistance.

(e) (1) Summer athletic scholarships awarded pursuant to this section shall, at a minimum, be sufficient to cover the cost of tuition, fees, books, and supplies as calculated for purposes of the summer cost of attendance under the provisions of Title IV of the federal Education Act of 1965, as it is amended from time to time.

(2) Nothing in this part shall be construed to limit a summer athletic scholarship awarded pursuant to this section to any amount less than that which is allowed under the bylaws of the National Collegiate Athletic Association.

~~(3) Nothing in this part shall be construed to require the expenditure of California State University limited financial aid program funds.~~

~~(4)~~

1 (3) A summer athletic scholarship awarded pursuant to this
2 section shall be of sufficient amount and duration with regard to
3 the number of summer sessions and the number of units covered,
4 to provide a student athlete a fair opportunity to correct academic
5 progress problems through attendance in a summer session.

6 (f) A summer athletic scholarship awarded pursuant to this
7 section may be funded through any revenue source available to,
8 or procured by, the campuses of the California State University,
9 including, but not necessarily limited to, gate receipts, donations
10 from alumni and others, corporate sponsorships, associated
11 student contributions, campus-based student fees that may be
12 ~~legally used for this purpose, and the general fund budget of the~~
13 ~~athletic department or the campus, or both. Nothing in this part~~
14 ~~shall be construed to require the expenditure of California State~~
15 ~~University general purpose funding as provided in the annual~~
16 ~~Budget Act.~~ *legally used for this purpose. In accordance with*
17 *subdivision (i), the California State University shall not use state*
18 *General Fund moneys or state university fee revenue to fund*
19 *summer athletic scholarships. The California State University*
20 *shall not set aside, for the purposes of summer athletic*
21 *scholarships, any institutional financial aid funds for which any*
22 *financially needy students are eligible. A student athlete may only*
23 *receive summer financial aid assistance if that student athlete*
24 *otherwise qualifies for that assistance irrespective of his or her*
25 *status as a student athlete.*

26 (g) (1) The trustees shall ensure, through executive order or
27 regulation, that all California State University campuses that are
28 members of the National Collegiate Athletic Association have a
29 comprehensive plan for the academic support of student athletes.

30 (2) The plan adopted pursuant to this subdivision shall be
31 consistent with the requirements of Title IX of the federal
32 Education Amendments of 1972, as amended from time to time,
33 and the bylaws of the National Collegiate Athletic Association,
34 as amended from time to time. This plan shall include, but not
35 necessarily be limited to, coordination with existing academic
36 and financial support services at the campus, evaluation of the
37 academic needs of student athletes, a set of academic support
38 initiatives, a financing plan for these initiatives and a
39 fund-raising strategy for the augmentation of these initiatives,
40 and a regular evaluation mechanism to monitor the academic

1 progress of athletes and the effectiveness of academic support
2 programs.

3 (3) Services provided under this subdivision may include any
4 of the following:

5 (A) Additional athletic financial assistance, which covers an
6 amount up to the cost of attendance under the provisions of Title
7 IV of the federal Education Act of 1965, as it is amended from
8 time to time, for additional periods of attendance necessary for an
9 athlete to complete the requirements for a baccalaureate degree
10 after the student's period of athletic eligibility has ended.

11 (B) Employment assistance, including work study programs.

12 (C) Tutoring.

13 (D) Mentoring.

14 (E) Accommodations in the scheduling of class sections to
15 provide a fair opportunity for student athletes to attend required
16 courses in a manner that allows them to participate in the
17 requirements of their sports.

18 (h) (1) The trustees shall report to the Legislature and the
19 Governor on or before November 1, 2006, and subsequently on
20 or before November 1 of each odd-numbered year, commencing
21 on November 1, 2007, regarding the status of athletic academic
22 progress and athletic academic support in the California State
23 University system for all campuses that are members of the
24 National Collegiate Athletic Association.

25 (2) If any data that are required to be reported pursuant to
26 paragraph (3) could yield an individual identification of an
27 athlete, or if any data or information required to be reported
28 pursuant to paragraph (3) could be considered to be of a
29 proprietary nature as related to the sports enterprise of the
30 campus, those data may be forwarded under separate cover to the
31 Governor and to the relevant policy committees of the
32 Legislature with a request for confidentiality.

33 (3) The report required by this subdivision shall include, but
34 not necessarily be limited to, all of the following information:

35 (A) A five-year history of the graduation rate and Academic
36 Progress Rate of each team on each campus as calculated by the
37 National Collegiate Athletic Association, to the extent these rates
38 are available.

39 (B) Annual admission category information for each team on
40 each campus that indicates the number and percent of students

1 admitted who were not eligible for regular admission to the
2 campus or the university.

3 (C) A summary of the academic initiatives and support
4 programs available to the athletes at each campus.

5 (D) If the campus participates in Division I, including any of
6 its subparts, of the National Collegiate Athletic Association, and
7 if any team or the athletic program overall has an Academic
8 Progress Rate score of less than 925 for any year, a summary of
9 the corrective action planned by the campus or athletic
10 department as well as a report on sanctions, if any, imposed by
11 the National Collegiate Athletic Association.

12 (E) The total budget for the athletic programs and each team,
13 including an itemization of the amount spent on athletic
14 scholarships and the amount spent on summer athletic
15 scholarships.

16 *(i) The California State University shall not encumber, for the*
17 *purposes of this section, any moneys from the state General Fund*
18 *or any state university fee revenue.*